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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,889

11/05/2003

R. Mark Halligan

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05/06/2009

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EXAMINER

BOYCE, ANDRE D

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

05/06/2009

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte R. MARK HALLIGAN,  
AND RICHARD F. WEYAND

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Application No. 10/701,889  
Technology Center 3600

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Mailed: May 6, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 23, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

A Reply Brief was filed on May 19, 2008 in response to the Supplemental Examiner's Answer mailed April 10, 2008. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

. . . After receipt of a reply brief in compliance with [37 CFR] § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief ....

A review of the application indicates that the reply brief has not been considered by the examiner. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

- 1) for consideration of the reply brief filed May 19, 2008;
- 2) for written acknowledgment of entry of reply brief to the appellants; and
- 3) for such further action as may be appropriate.

/DAL/

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